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Crl.O.P.(MD)No.5456 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.5456 of 2022
and Crl.M.P(MD).No.3862 of 2022

Thomas Tojo

... Petitioner

Vs.

E.S.Angel Mary

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crl.M.P.No.694 of 2019 in M.C.No.4 of 2016 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai and quash the same.

For petitioner : Mr.S.Palani Velayutham

For Respondent : Mr.M.R.Sreenivasan

ORDER

This Criminal Original Petition has been filed to call for the records relating to Crl.M.P.No.694 of 2019 in M.C.No.4 of 2016 pending



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on the file of the learned Judicial Magistrate No.II, Kuzhithurai and quash the same.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that this Court, without going into the merits of the case, may direct the trial Court to dispose of Crl.M.P.No.694 of 2019 in M.C.No.4 of 2016, after providing opportunity to the petitioner and may permit the petitioner to file a calculation memo with regard to the maintenance amount to be paid in favour of the respondent.

3. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the learned Judicial Magistrate No.II, Kuzhithurai to dispose of Crl.M.P.No.694 of 2019 in M.C.No.4 of 2016, after providing an opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioner to file the calculation memo before the trial Court with regard to the payment of maintenance amount in favour of the respondent.



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4. Accordingly, this Criminal Original Petition is disposed of.

Connected miscellaneous petition is closed.

13.03.2024

Index : Yes/No

Internet : Yes/No

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To

The learned Judicial Magistrate No.II, Kuzhithurai.



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M.DHANDAPANI. J.

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